

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

MARJORIE FERRELL, <i>et al.</i> ,)	
)	
Plaintiffs,)	No. C-1-01-447
)	
v.)	Judge Sandra S. Beckwith
)	
WYETH-AYERST LABORATORIES,)	Magistrate Judge Timothy S. Hogan
INC., <i>et al.</i> ,)	
)	
Defendants.)	

**[PROPOSED] ORDER REGARDING ADMISSIBILITY OF DEFENDANTS' EXPERT
MATERIALS SUBMITTED IN PARALLEL PROCEEDINGS**

Plaintiffs' Motion for Entry of Order Regarding Admissibility of Defendants' Expert Materials Submitted in Parallel Proceedings having come before this Court, the Motion being fully briefed and therefore the Court fully advised in the premises, this Court hereby FINDS as follows:

Defendants submitted expert reports in *Duramed v. Wyeth, et al.*, Case No. C-1-00-735 (S.D. Ohio) ("*Duramed*"), *JBDL v. Wyeth, et al.*, Case No. C-1-01-704 (S.D. Ohio) ("*JBDL*"), and *CVS Corp. v. Wyeth, et al.*, Case No. C-1-03-781 (S.D. Ohio) ("*CVS*") (the "Related Proceedings");

Plaintiffs in the Related Proceedings took depositions of Defendants' experts in those proceedings;

Amended Case Management Order No. 1 in this proceeding provides that "[a]ll discovery taken in the Coordinated Action will apply to subsequently filed and consolidated tag-along

cases and the parties will not be required to repeat discovery already undertaken in the Coordinated Action”; and

The deadline for expert discovery in this action is June 30, 2006, and entry of this Order will avoid duplicating the discovery in Related Proceedings;

ACCORDINGLY, this Court ORDERS that:

1. Any expert report submitted by Defendants in *Duramed*, *JBDL* or *CVS*, including all exhibits attached thereto, shall be presumed to be authentic.
2. For purposes of the parties’ summary judgment papers, Defendants shall not object on the grounds of authenticity or admissibility to Plaintiffs’ use of i) any expert report, including all exhibits attached thereto, submitted by Defendants in the Related Proceedings; or ii) any deposition transcript, including all exhibits thereto, of any of Defendants’ experts in the Related Proceedings.
3. Paragraphs 1 and 2 of this Order shall not affect Defendants’ right or ability to object on the grounds of relevance to Plaintiffs’ use or citation of Defendants’ expert reports or expert depositions in the Related Proceedings in their summary judgment papers in this proceeding.

DATED: June ____, 2006
